

Danner, Ward

From: Scott, Jeff
Sent: Monday, September 21, 2015 11:15 AM
To: Armann, Steve; Danner, Ward
Subject: FW: FAILURE TO REPLY TO EMAILS FROM AFFECTED COMMUNITY

Jeff Scott
Director, Land Division
EPA Region 9
75 Hawthorne St
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From: Jennifer deNicola [mailto:jen@americaunites.com]
Sent: Sunday, March 08, 2015 11:11 PM
To: Huetteman, Tom
Cc: Mccarthy, Gina; Blumenfeld, Jared; Scott, Jeff; Stanislaus, Mathy; Breen, Barry
Subject: FAILURE TO REPLY TO EMAILS FROM AFFECTED COMMUNITY

Dear Tom Huetteman:

It is now six months later and you have failed to answer any of these appropriate questions posed to EPA. Do not direct me to the district as they are not the agency tasked with enforcing TSCA. We will state them once again to make sure everyone understands what we are asking of the EPA.

1. The EPA and district have both attempted to blame moving orchestra risers in room 303 as the reason for high PCB test results, please explain the logic as to why this high finding is being blamed on this rather than it be an indication of PCB sources somewhere in the room? PCB's are either in the building materials or they are not there, regardless of moving furniture correct?

a. since this letter was written, there have been many more rooms that have also triggered results higher than EPA's suggested public health risk, for example: in the gym, room 19 and 704. At least 2 of 3 tests in each of these rooms has failed and yet rather than proceeding to the next step of identifying potential sources, the EPA allowed the district to clean, fail the test, re-clean and fail again, and re-clean... until the test came back under EPA screening. This is gaming the system.

2. Please explain why EPA R9 has contradicted itself? Jared Blumenfeld's letter to Senator Boxer (below) and USEPA guidance recommends to test the sources and yet SMMUSD failed more tests than it passed in some classrooms. EPA's action indicate that EPA R9's plan is to make excuses to avoid testing any more caulking that would characterize the nature and extent of PCBs contamination at Malibu. We already have ample proof that there is PCBs in the caulking in many classrooms, the next logical and legal step is to identify how wide spread it is and remove/ remediate it. Ignoring that there are PCB sources only puts students and staff in harms way since air and dust testing do not protect from all exposure pathways.

Jared Blumenfeld sent this in a letter to Senator Boxer:

The EPA fact sheet, "Preventing Exposure to PCBs in Caulking Material" (available at <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caulk/pdf/caulkexposure.pdf>) provides a good summary of key recommendations such as:

- Steps that concerned school administrators can take to minimize the potential for PCBs in the indoor air;
- Cleaning and proper maintenance of ventilation systems; thorough and frequent cleaning of surface areas to minimize exposures; and
- "If school administrators and building owners are concerned about exposures to PCBs and to supplement these steps, EPA recommends testing to determine if PCB levels in air exceed EPA's suggested public health levels. If testing reveals PCB levels above these levels, schools should attempt to identify any potential sources of PCBs that may be present in the building including testing samples of caulk and other building materials."

Generally, when testing of caulk or other building materials in structures show PCBs are present or above 50 ppm, the PCB regulations in 40 CFR 761 implementing the Toxics Substances Control Act (TSCA) require that the PCB-containing material be removed.

The EPA's actions have been contradictory to USEPA policy and TSCA law. As the potentially harmed community being affected by your decisions we deserve an explanation of your actions and the right to have dialog with this agency tasked to enforce current TSCA law, not create your own.

Once again, I will ask that you answer these questions in a timely manner.

Respectfully,

Jennifer deNicola

President of America Unites for Kids

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"Children's right to education excellence includes the freedom to learn in an environment that does not jeopardize their health"

Begin forwarded message:

From: "Huetteman, Tom" <Huetteman.Tom@epa.gov>
Subject: RE: MHS Rooms 301,302,303
Date: August 28, 2014 at 7:59:04 AM PDT
To: Jennifer DENICOLA <jd18@me.com>
Cc: "Scott, Jeff" <Scott.Jeff@epa.gov>, "Armann, Steve" <Armann.Steve@epa.gov>, "Wilson, Patrick" <Wilson.Patrick@epa.gov>, "Santos, Carmen" <Santos.Carmen@epa.gov>, "Wedell, Kelly" <Wedell.Kelly@epa.gov>

Jennifer,

Thank you for your inquiry about these rooms. I have also seen Kelly's email to you on Tuesday. I believe that her response is appropriate. The detailed questions you are asking are more appropriately directed to the District.

Sincerely,

Tom Huetteman, Assistant Director
RCRA Branch, Land Division, USEPA Region 9
415-972-3751

From: Jennifer DENICOLA [<mailto:jd18@me.com>]
Sent: Tuesday, August 26, 2014 5:47 PM
To: Wedell, Kelly
Cc: Scott, Jeff; Blumenfeld, Jared; Huetteman, Tom; Armann, Steve; Wilson, Patrick; Santos, Carmen
Subject: Re: MHS Rooms 301,302,303

Kelly,

Thank you for the reply but you failed to answer any of my questions. Redirecting me to the district fails to address the questions specifically addressed to the EPA. If you don't have the answers, would one of your region 9 associates please reply. I have included them again below please address them each specifically.

Please explain to me why testing would show higher amount of PCB's by just by moving orchestra risers in 303? PCB's are there in the building materials or they are not there, correct?

Please explain the detailed testing and dates that testing occurred in room 303 since the air levels were way above the EPA benchmark, the EPA must have been concerned.

In addition, at what point will the EPA require source testing? Isn't that why EPA set the benchmarks for air and wipe testing in the first place? Isn't air and wipe testing done as an indication of a PCB source issue in the entire room?

Jennifer deNicola
Malibu Unites
www.MalibuUnites.com

On Aug 26, 2014, at 10:21 AM, "Wedell, Kelly" <Wedell.Kelly@epa.gov> wrote:

Kelly,

I have read the exchange below. Please explain to me why testing would be delayed by moving orchestra risers?

Please explain the detailed testing and dates that occurred in to room 303.

In addition, why when a classroom tests above the EPA guidelines set in. Other air and wipe tests isn't the EPA seeing this as an indication of a PCB problem in the room and requiring source testing?